

BK 0453 PG 0180

STATE MS.-DESOTO CO. *SC*  
FILED *BL*

SEP 17 2 40 PM '03

Parcel No. 2069-3100.0-00002.00 [UCC 02]

Prepared by:  
Butler, Snow, O'Mara, Stevens & Cannada, PLLC  
Attn: Ann Fortenberry Corso  
17th Floor, AmSouth Plaza  
Post Office Box 22567  
Jackson, MS 39225-2567  
(601) 948-5711

BK 453 PG 180  
W.E. DAVIS CH. CLK.

To the Chancery Clerk of DeSoto County, Mississippi:

The real property described herein is situated in the Northwest and Southwest Quarters of Section 31, Township 2 South, Range 6 West of DeSoto County, Mississippi.

PERMANENT UTILITY EASEMENT AND  
TEMPORARY CONSTRUCTION EASEMENT

BETTYE B. WHITTEN JENKINS, Individually, as Life Tenant;  
BETTYE B. WHITTEN JENKINS, as Executrix and Testamentary  
Trustee under the Last Will and Testament of David B. Bridgforth;  
BETTYE B. WHITTEN FUNDERBURK, Individually and as  
Testamentary Trustee under all Trusts Created by the Last Will and  
Testament of David A. Whitten;  
ANDREA WHITTEN WILLIFORD;  
R. R. BRIDGFORTH HEIRS PARTNERSHIP

GRANTORS

TO

DESOTO COUNTY REGIONAL UTILITY AUTHORITY

GRANTEE

In consideration of Ten Dollars (\$10.00) and other good and valuable consideration, **BETTYE B. WHITTEN JENKINS**, Individually, and as Executrix and Testamentary Trustee under the Last Will and Testament of David B. Bridgforth, **BETTYE B. WHITTEN FUNDERBURK**, Individually and as Testamentary Trustee under all trusts created by the Last Will and Testament of David A. Whitten, **ANDREA WHITTEN WILLIFORD**, Individually, and **R. R. BRIDGFORTH HEIRS PARTNERSHIP**, by Bettye B. Whitten Funderburk, General Partner (collectively, the "Grantor(s)"), grant to **DESOTO COUNTY REGIONAL UTILITY AUTHORITY** ("Grantee"), a body politic, a perpetual and assignable easement and right-of-way in, on, over and across the land, for the location, operation, maintenance, alteration, repair and patrol of an underground sewer pipeline; together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions and other vegetation, structures, or obstacles within the limits of the right-of-way; reserving, however, to the land-owners, their heirs and assigns, all such rights and privileges as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines over the land in DeSoto County, Mississippi described as part of the Northwest Quarter (NW-1/4) and Southwest Quarter (SW-

1/4) of Section 31, Township 2 South, Range 6 West, and being a strip of land fifty (50) feet in width and more particularly described on Exhibit "A."

The Grantors further grant to Grantee a thirty (30) foot wide temporary construction easement and right-of-way in, on, over and across the land running parallel to and along the westerly line of the above-described fifty (50) foot wide permanent utility easement, said temporary easement containing 3.428 acres, more or less, as more specifically described on the attached Exhibit "B."

The Grantors further grant a thirty (30) foot wide temporary construction easement, to be adjacent and parallel to the easterly line of the above-described fifty (50) foot wide permanent utility easement, said temporary easement containing 3.573 acres, more or less, as more specifically described on the attached Exhibit "B."

Upon completion of the construction within the above described permanent utility easement, the above-described temporary construction easements shall terminate.

The Grantors further grant to the Grantee the right of ingress and egress to and from said permanent and temporary easements

The Grantors acknowledge the existence of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, and acknowledge that they are aware of their rights under said Act, including but not limited to:

- a) notification of the Grantee's desire to obtain the property and receipt of a copy of the above named Act;
- b) the opportunity to receive an appraisal and to accompany the appraiser during the initial inspection; and
- c) an opportunity to have the value of the property determined by a Court of competent jurisdiction and to be compensated therefore.

Grantors fully understand that they have the right to receive just compensation for the real property herein described based on an appraisal of said property. Grantors hereby waive their rights to just compensation and donates the parcel of property herein described to DeSoto County, Mississippi. Grantors further understand that they have the right to request that a fair market value appraisal of the property be made and said corporation hereby waives that right.

Grantors likewise consent that this Easement may be executed in any number of multiple counterparts with the same effect as if all of the Grantors had signed the same document. All counterparts shall be construed together and shall constitute one agreement.

WITNESS OUR SIGNATURES on the dates set forth below.

Betty B. Whitten Jenkins

BETTYE B. WHITTEN JENKINS, Individually,  
as Life Tenant

DATE: 9/2/03

Betty B. Whitten Jenkins

BETTYE B. WHITTEN JENKINS, as Executrix  
and Testamentary Trustee under the Last Will and  
Testament of David B. Bridgforth

DATE: 9/2/03

Betty B. Whitten Funderburk

BETTYE B. WHITTEN FUNDERBURK, Individually

DATE: 9/2/03

Betty B. Whitten Funderburk

BETTYE B. WHITTEN FUNDERBURK, as  
Testamentary Trustee under all trusts created by  
the Last Will and Testament of David A. Whitten

DATE: 9/8/03

Andrea Whitten Williford

ANDREA WHITTEN WILLIFORD

DATE: 9/3/03

Betty B. Whitten Funderburk

R. P. BRIDGFORTH HEIRS PARTNERSHIP, by  
Bettye B. Whitten Funderburk, General Partner

DATE: 9/8/03

The Address and Telephone  
Number of the Grantors:

Betty B. Whitten Jenkins  
3689 Bridgforth Road  
Olive Branch, MS 38651  
(662) 895-2150

R. R. BRIDGFORTH HEIRS PARTNERSHIP  
c/o David B. Bridgforth, General Partner  
Post Office Box 241  
Southaven, MS 38671  
(662) 895-2262

Bettye B. Whitten Funderburk  
1805 Hawthorne Drive  
Hernando, MS 38632  
(662) 429-4077

The Address and Telephone  
Number of the Grantee:

DeSoto County Courthouse  
Hernando, MS 38632  
(662) 429-5011

JACKSON 784749v1

STATE OF MISSISSIPPI  
COUNTY OF DESOTO

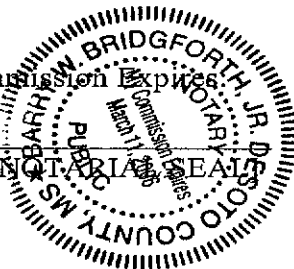
This day personally appeared before me, the undersigned authority in and for said County and State, the within named, **BETTYE B. WHITTEN JENKINS**, who acknowledged that she signed and delivered the above and foregoing instrument on the day and year therein mentioned.

Given under my hand and official seal of office, this the 2 day of September, 2003.

B. W. Bridgforth Jr.  
NOTARY PUBLIC

My Commission Expires

[AFFIX NOTARIAL SEAL]



STATE OF MISSISSIPPI  
COUNTY OF DESOTO

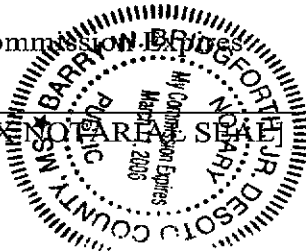
This day personally appeared before me, the undersigned authority in and for the said County and State, the within named **BETTYE B. WHITTEN JENKINS**, who acknowledged that she is Executrix and Testamentary Trustee under the Last Will and Testament of David B. Bridgforth, and in said fiduciary capacity, she executed the above and foregoing instrument, after first having been duly authorized so to do.

Given under my hand and official seal of office, this the 2 day of September, 2003.

B. W. Bridgforth Jr.  
NOTARY PUBLIC

My Commission Expires

[AFFIX NOTARIAL SEAL]



STATE OF MISSISSIPPI  
COUNTY OF DESOTO

This day personally appeared before me, the undersigned authority in and for said County and State, the within named, **BETTYE B. WHITTEN FUNDERBURK**, who acknowledged that she signed and delivered the above and foregoing instrument on the day and year therein mentioned.

Given under my hand and official seal of office, this the 8<sup>th</sup> day of September, 2003.

Christy Regel  
NOTARY PUBLIC

My Commission Expires:

MISSISSIPPI STATEWIDE NOTARY PUBLIC  
MY COMMISSION EXPIRES JUNE 18, 2005  
BONDED THRU STEGALL NOTARY SERVICE

[AFFIX NOTARIAL SEAL]



This day personally appeared before me, the undersigned authority in and for the said County and State, the within named **BETTYE B. WHITTEN FUNDERBURK**, who acknowledged that she is Trustee under all Trusts created by the Last Will and Testament of David W. Whitten, and in said fiduciary capacity, she executed the above and foregoing instrument, after first having been duly authorized so to do.

Given under my hand and official seal of office, this the 8<sup>th</sup> day of September, 2003.

Christy Regel  
NOTARY PUBLIC

My Commission Expires:

MISSISSIPPI STATEWIDE NOTARY PUBLIC  
MY COMMISSION EXPIRES JUNE 18, 2005  
BONDED THRU STEGALL NOTARY SERVICE

[AFFIX NOTARIAL SEAL]

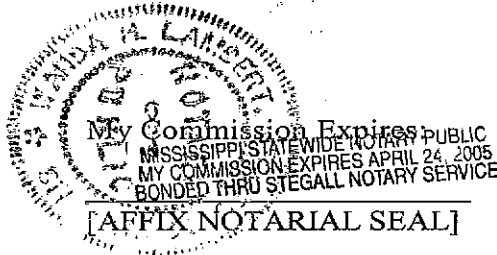


STATE OF MISSISSIPPI  
COUNTY OF DESOTO

This day personally appeared before me, the undersigned authority in and for said County and State, the within named, **ANDREA WHITTEN WILLIFORD**, who acknowledged that she signed and delivered the above and foregoing instrument on the day and year therein mentioned.

Given under my hand and official seal of office, this the 3 day of September 2003.

Wanda H. Lambert  
NOTARY PUBLIC



STATE OF MISSISSIPPI  
COUNTY OF DESOTO

This day personally appeared before me, the undersigned authority in and for the said County and State, the within named **BETTYE B. WHITTEN FUNDERBURK**, who acknowledged that she is a General Partner of **R. R. BRIDGFORTH HEIRS PARTNERSHIP**, a Mississippi General Partnership, and that for and on behalf of the said partnership, and as its act and deed, she executed the above and foregoing instrument, after first having been duly authorized by said partnership so to do.

Given under my hand and official seal of office, this the 8<sup>th</sup> day of September 2003.

Christy Beigel  
NOTARY PUBLIC

My Commission Expires  
MISSISSIPPI STATEWIDE NOTARY PUBLIC  
MY COMMISSION EXPIRES JUNE 18, 2005  
BONDED THRU STEGALL NOTARY SERVICE  
[AFFIX NOTARIAL SEAL]

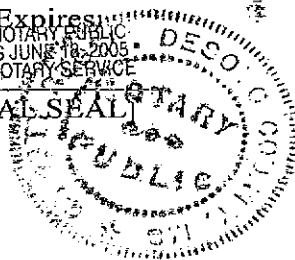


Exhibit "A"

See Attached



PARCEL NUMBER UCC-02 - UTILITY EASEMENT  
TAX PARCEL NUMBER: 2069-3100.0-00002.00

BEING A LEGAL DESCRIPTION OF THE CENTERLINE OF A PROPOSED FIFTY (50) FOOT WIDE PERMANENT UTILITY EASEMENT ACROSS PART OF THE BETTYE B. WHITTEN JENKINS, ET AL PROPERTY RECORDED IN DEED BOOK 179 – PAGE 156 AT THE OFFICE OF THE CHANCERY CLERK OF DESOTO COUNTY, MISSISSIPPI, SAID PROPOSED EASEMENT TO BE KNOWN FOR THE PURPOSES OF THIS DESCRIPTION AS "PARCEL NUMBER UCC-02", BEING SITUATED IN DESOTO COUNTY, MISSISSIPPI AND SAID PARCEL NUMBER UCC-02 BEING DESCRIBED AS:

A TRACT OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 2 SOUTH, RANGE 6 WEST, AND IN THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 2 SOUTH, RANGE 6 WEST, ALL IN DESOTO COUNTY, MISSISSIPPI AND BEING MORE PARTICULARLY DESCRIBED AS:

A PERMANENT UTILITY EASEMENT, TWENTY-FIVE FEET EITHER SIDE OF AND PARALLEL TO THE FOLLOWING DESCRIBED PROPOSED CENTERLINE: COMMENCING AT THE SOUTHWEST CORNER OF THE LENWOOD CATHEY PROPERTY (DEED BOOK 330 – PAGE 390), SAID SOUTHWEST CORNER AS EVIDENCED BY A FOUND "T"-POST AND RAILROAD TIE, SAID POINT OF COMMENCEMENT BEING THE INTERSECTION OF THE WEST LINE OF SECTION 31, TOWNSHIP 2 SOUTH, RANGE 6 WEST AND THE NORTHERLY RIGHT OF WAY LINE OF BYHALIA ROAD (PUBLIC, PAVED ROAD – 80 FEET WIDE); THENCE NORTH 89 DEGREES 24 MINUTES 33 SECONDS EAST ALONG SAID NORTHERLY RIGHT OF WAY LINE OF BYHALIA ROAD – 848.63 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE LEAVING SAID NORTHERLY RIGHT OF WAY LINE AND ALONG SAID CENTERLINE OF PROPOSED UTILITY EASEMENT, THE FOLLOWING BEARINGS AND DISTANCES: NORTH 00 DEGREES 07 MINUTES 21 SECONDS EAST (LEAVING SAID NORTHERLY RIGHT OF WAY LINE) – 57.90 FEET TO AN ANGLE POINT; THENCE NORTH 05 DEGREES 14 MINUTES 09 SECONDS EAST – 875.64 FEET TO AN ANGLE POINT; THENCE NORTH 13 DEGREES 53 MINUTES 28 SECONDS EAST – 613.89 FEET TO AN ANGLE POINT; THENCE NORTH 07 DEGREES 50 MINUTES 15 SECONDS EAST – 300.51 FEET TO AN ANGLE POINT; THENCE NORTH 07 DEGREES 21 MINUTES 36 SECONDS EAST – 899.98 FEET TO AN ANGLE POINT; THENCE NORTH 07 DEGREES 07 MINUTES 22 SECONDS EAST – 900.00 FEET TO AN ANGLE POINT; THENCE NORTH 07 DEGREES 20 MINUTES 43 SECONDS EAST – 899.99 FEET TO AN ANGLE POINT; THENCE NORTH 07 DEGREES 47 MINUTES 27 SECONDS EAST – 640.06 FEET TO THE POINT OF TERMINATION OF THIS DESCRIPTION, SAID POINT LYING IN THE SOUTHERLY DEED LINE OF THE WILLIAM T. HAWKS AND WIFE, DIANE HAWKS PROPERTY (DEED BOOK 124 – PAGE 179).

PARCEL UCC-02 CONTAINING 5.950 ACRES OR 259,194 SQUARE FEET MORE OR LESS, SUBJECT TO RIGHT OF WAY IN ANY PUBLIC ROADS AND PUBLIC AND/OR PRIVATE EASEMENTS.

Exhibit "B"

See Attached

PAGE TWO

ALSO, A THIRTY (30) FOOT WIDE EASEMENT, TO BE KNOWN FOR THE PURPOSES OF THIS DESCRIPTION AS TEMPORARY CONSTRUCTION EASEMENT "A", TO BE SITUATED ADJACENT TO AND PARALLEL TO THE WESTERLY LINE OF SAID PARCEL UCC-02, SAID EASEMENT "A" CONTAINING 3.428 ACRES OR 149,307 SQUARE FEET MORE OR LESS.

ALSO, A THIRTY (30) FOOT WIDE EASEMENT, TO BE KNOWN FOR THE PURPOSES OF THIS DESCRIPTION AS TEMPORARY CONSTRUCTION EASEMENT "B", TO BE SITUATED ADJACENT TO AND PARALLEL TO THE EASTERLY LINE OF SAID PARCEL UCC-02, SAID EASEMENT "B" CONTAINING 3.573 ACRES OR 155,639 SQUARE FEET MORE OR LESS.

THE ABOVE DESCRIBED PARCELS ARE VACANT LAND.

BY GRAPHIC DETERMINATION, PARCEL UCC-02 LIES WITHIN THE LIMITS OF THE SPECIAL FLOOD HAZARD AREAS INUNDATED BY 100 YEAR FLOOD, PER FIRM/FEMA MAP NUMBER 28033C0150 E, MAP REVISED JUNE 19, 1997.

ALL MATTERS OF PUBLIC RECORD ARE RECORDED AT THE OFFICE OF THE CHANCERY CLERK OF DESOTO COUNTY, MISSISSIPPI.

BEARINGS ARE RELATIVE TO MISSISSIPPI STATE PLANE GRID NORTH (NAD 83 - WEST ZONE).